

AMENDED IN SENATE MAY 7, 2003

AMENDED IN SENATE APRIL 24, 2003

**SENATE BILL**

**No. 705**

**Introduced by Senator Florez**

February 21, 2003

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An act to add Section 41855.5 to the Health and Safety Code, relating to air quality.

LEGISLATIVE COUNSEL'S DIGEST

SB 705, as amended, Florez. Air quality: agricultural burning: San Joaquin Valley Unified Air Pollution Control District.

(1) Existing law prohibits any person from knowingly setting or permitting agricultural burning unless he or she has a valid permit designated by the State Air Resources Board to issue a permit in the area where the burning is to take place. Existing law requires the state board to designate public fire protection agencies or other equivalent agencies to issue permits, and to adopt rules and regulations to provide a procedure for the issuance of those permits.

This bill would prohibit the issuance of any permit to a person to burn certain categories of agricultural waste, as defined, within the jurisdiction of the San Joaquin Valley Unified Air Pollution Control District, commencing on the date specified for each category. The bill would require the district to develop and adopt, by June 1, 2005, rules establishing the best management practices for certain other weeds and maintenance, as defined, and would require those rules to become operative on June 1, 2006. The additional duties of the bill for the district would impose a state-mandated local program.

(2) Existing law makes a violation of any rule, regulation, or order of the state board or a district a misdemeanor.

By expanding the scope of a crime, this bill would impose a state-mandated local program.

This bill would make findings and declarations regarding the inapplicability of a general statute within the meaning of Section 16 of the California Constitution.

~~(4)~~

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 41855.5 is added to the Health and  
2 Safety Code, to read:

3 41855.5. (a) Notwithstanding any other provision of law, no  
4 permit may be issued to a person to burn any of the following  
5 categories of agricultural waste within the jurisdiction of the San  
6 Joaquin Valley Unified Air Pollution Control District,  
7 commencing on the following dates:

8 (1) Commencing June 1, 2005, for field crops, prunings, and  
9 weed abatement.

10 (2) Commencing June 1, 2007, for orchard or vineyard  
11 removals.

12 (3) Commencing June 1, 2010, for other materials and surface  
13 harvested prunings.



(b) The San Joaquin Valley Unified Air Pollution Control District shall develop and adopt, not later than June 1, 2005, rules establishing best management practices for the control of other weeds and maintenance. The rules adopted pursuant to this subdivision shall be operative not later than June 1, 2006.

(c) For the purposes of this section, the following terms have the following meanings:

(1) “Field crops” ~~includes, but is not limited to,~~ *means* any of the following crops:

- (A) Alfalfa.
- (B) Asparagus.
- (C) Barley stubble.
- (D) Beans.
- (E) Corn.
- (F) Cotton.
- (G) Flower straw.
- (H) Hay.
- (I) Lemon grass.
- (J) Oat stubble.
- (K) Other field crops, as determined by the state board.
- (L) Pea vines.
- (M) Peanuts.
- (N) Rice stubble.
- (O) Safflower.
- (P) Sugar cane.
- (Q) Vegetable crops.
- (R) Wheat stubble.

(2) “Orchard removals” includes, but is not limited to, any of the following:

- (A) Orchard removal matter.
- (B) Stumps.
- (C) Untreated sticks.

(3) “Other materials” includes, but is not limited to, any of the following:

- (A) Brooder paper.
- (B) Deceased goats.
- (C) Diseased bee hives.
- (D) Fertilizer sacks.
- (E) Pesticide sacks.



- 1 (4) “Other weeds and maintenance” includes, but is not  
2 limited to, any of the following:
- 3 (A) Ditch bank work.
  - 4 (B) Canal bank work.
  - 5 (C) Dodder weed.
  - 6 (D) Star thistle.
  - 7 (E) Tumbleweed.
- 8 (5) “Prunings” ~~includes, but is not limited to,~~ *means* prunings  
9 from any of the following:
- 10 (A) ~~Apples~~ *Apple* crops.
  - 11 (B) Apricot crops.
  - 12 (C) Avocado crops.
  - 13 (D) Bushberry crops.
  - 14 (E) Cherry crops.
  - 15 (F) Christmas trees.
  - 16 (G) Citrus crops.
  - 17 (H) Date crops.
  - 18 (I) Eucalyptus crops.
  - 19 (J) Fig crops.
  - 20 (K) Kiwi crops.
  - 21 (L) Nectarine crops.
  - 22 (M) Nursery prunings.
  - 23 (N) Olive crops.
  - 24 (O) Other prunings, as determined by the state board.
  - 25 (P) Pasture or corral trees.
  - 26 (Q) Peach crops.
  - 27 (R) Pear crops.
  - 28 (S) Persimmon crops.
  - 29 (T) Pistachio crops.
  - 30 (U) Plum crops.
  - 31 (V) Pluot<sup>®</sup> crops.
  - 32 (W) Pomegranate crops.
  - 33 (X) Prune crops.
  - 34 (Y) Quince crops.
  - 35 (Z) Rose prunings.
- 36 (6) “Surface harvested prunings” includes, but is not limited  
37 to, any of the following:
- 38 (A) Almond prunings.
  - 39 (B) Walnut prunings.
  - 40 (C) Pecan prunings.



(7) “Vineyard materials” includes, but is not limited to, any of the following:

- (A) Grape vines.
- (B) Grape canes.
- (C) Raisin trays.
- (D) Vineyard removal materials.

(8) “Weed abatement” includes, but is not limited to, any of the following:

- (A) Berms.
- (B) Bermuda grass.
- (C) Fence rows.
- (D) Grass.
- (E) Noxious weeds.
- (F) Pasture.
- (G) Ponding or levee banks.

SEC. 2. The Legislature finds and declares that, due to the unique circumstances applicable to agricultural waste and its impacts on air quality in the San Joaquin Valley, a statute of general applicability cannot be enacted within the meaning of subdivision (b) of Section 16 of Article IV of the California Constitution.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because in that regard this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

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